

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

HUSSEIN ISAAK,

Plaintiff,

vs.

BAHA SULAYMONOV,

Defendant.

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8:05cv243

MEMORANDUM AND ORDER

In an Order filed on August 16, 2005 (filing no. 7), the court gave the plaintiff a deadline to prosecute this case with reasonable diligence by again attempting service of process on the defendant. In filing no. 7, the court notified the plaintiff that the U.S. Marshal had returned the summons unexecuted for the sole defendant in this case, Baha Sulaymonov. The court warned the plaintiff that if he wished to pursue this matter, he must request and complete new forms for the Marshal to serve on the defendant, and the court gave the plaintiff a deadline of September 23, 2005, "or this case will be subject, without further notice, to dismissal without prejudice."

There has been no response by the plaintiff, and the deadline has expired. Therefore, pursuant to NECivR 41.1¹, the plaintiff's complaint and the above-entitled action are dismissed without prejudice. A separate judgment will be entered accordingly.

SO ORDERED.

DATED this 29th day of September, 2005.

BY THE COURT:

s/Laurie Smith Camp
Laurie Smith Camp
United States District Judge

¹NECivR 41.1 states in pertinent part: "At any time when it appears that any action is not being prosecuted with reasonable diligence the court may dismiss it for lack of prosecution."